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9 Attorney for Plaintiffs
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13 MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT,
14 RAVALLI COUNTY
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18 TOM ROBAK and
19 CHARLOTTE ROBAK
20 Plaintiffs,
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22 vs.

23 RAVALLI COUNTY, LAURA
24 HENDRIX, and JOHN DOES ONE
25 THROUGH TEN,
26 Defendants.
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28 Dept. No. 2
29 Cause No. DV 08-472
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32 SUBPOENA DUCES TECUM
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36 THE STATE OF MONTANA SENDS GREETINGS TO
37

38 Greg Chilcott
39 Ravalli County Commissioner
40 215 S. 4th Street, Suite A
41 Hamilton, MT 59840
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43 We command you, that all and singular business and excuses being
44 laid aside, pursuant to Rule 45 (a), M.R. Civ. P., you make available for
45 inspection and copying or produce the records or documents referred to
below within 10 days of being served this subpoena to Dustin M.
Chouinard, and the law firm of Markette & Chouinard, P.C., 601 South First
Street, P.O. Box 515, Hamilton, MT 59840, as the attorney for Plaintiffs,
Tom and Charlotte Robak. **If you are unable to comply with this**

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2 **subpoena you may contact Dustin M. Chouinard; however, you must**
3 **direct legal questions to another**

4 NOTE: The terms "records" or "documents" cover all documents or
5 records wherever located, including those which are electronically
6 maintained and stored in your possession, or subject to your custody and
7 control, to which you have access, or which are in the possession of any
8 Ravalli County employees or agents, whether generated by your office or
9 received from another source.

10 Please produce or make available for inspection as directed above,
11 the following:

12 **Any email, memorandum, writing, record, document**
13 **or other evidence of any and all communications**
14 **between you and any Ravalli County employee, any**
15 **Ravalli County commissioner, any employee of the**
16 **State of Montana, any employee of the federal**
17 **government, any elected official, any political**
18 **organization, any non-profit organization, and, any**
19 **other citizen or entity, regarding: the Plaintiffs, Tom**
20 **Robak or Charlotte Robak; or, any property owned by**
21 **Tom or Charlotte Robak.**

22 Disobedience to a subpoena may be punished as contempt by the
23 Court, and you will also forfeit to the party aggrieved all damages which
24 may be sustained by your failure to comply.

25 Pursuant to the Rule 45 of M. R. of Civ. P. subparagraphs (c) and (d)
of this rule are as follows:

Rule 45(c). Protection of persons subject to or affected by
subpoenas. (1) A party or an attorney responsible for the issuance and
service of a subpoena shall take reasonable steps to avoid imposing
undue burden or expense on a person subject to that subpoena. The court
on behalf of which the subpoena was issued shall enforce this duty and
impose upon the party or attorney in breach of this duty an appropriate
sanction, which may include, but is not limited to, lost earnings and a
reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection,

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2 copying, testing, or sampling of designated electronically stored
3 information, books, papers, documents or tangible things, or inspection of
4 premises need not appear in person at the place of production or
inspection unless commanded to appear for deposition, hearing or trial.

5 (B) Subject to subparagraph (d)(2) of this rule, a person commanded to
6 produce and permit inspection, copying, testing or sampling, or any
7 person affected thereby, may, within 14 days after service of the
8 subpoena or before the time specified for compliance if such time is less
9 than 14 days after service, serve upon the party or attorney designated in
10 the subpoena written objection to producing of any or all of the designated
11 materials or inspection of the premises, or to producing electronically
12 stored information in the form or forms requested. If objection is made, the
13 party serving the subpoena shall not be entitled to inspect, copy, test, or
sample, the materials or inspect the premises except pursuant to an order
of the court by which the subpoena was issued. If objection has been
made, the party serving the subpoena may, upon notice to the person
commanded to produce, and to any affected person who has served
written objection, move at any time for an order to compel the production,
inspection, copying, testing or sampling. Such an order to compel shall
protect any person who is not a party or an officer of a party from
significant expense resulting from the inspection, copying, testing or
sampling commanded.

14 (3) (A) On timely motion, the court by which a subpoena was issued
15 shall quash or modify the subpoena if it

16 (i) fails to allow reasonable time for compliance; or

17 (ii) requires in the case of a deposition or production prior to hearing or
18 trial, a person to travel beyond the 100 mile radius provided in
subparagraph (b)(2) of this rule; or

19 (iii) requires disclosure of privileged or other protected matter and no
20 exception or waiver applies; or

21 (iv) subjects a person to undue burden.

22 (B) If a subpoena

23 (i) requires disclosure of a trade secret or other confidential research,
24 development, or commercial information; or

25 (ii) requires disclosure of an unretained expert's opinion or information
not describing specific events or occurrences in dispute and resulting from
the expert's study made not at the request of any party; or

(iii) requires a person who is not a party or an officer of a party to incur
substantial expense to travel more than 100 miles to attend trial, the court
may, to protect a person subject to or affected by the subpoena, quash or
modify the subpoena or, if the party in whose behalf the subpoena is
issued shows a substantial need for the testimony or material that cannot
be otherwise met without undue hardship and assures that the person to
whom the subpoena is addressed will be reasonably compensated, the
court may order appearance or production only upon specified conditions.

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2 **Rule 45(d). Duties in responding to subpoena.** (1) A person responding
3 to a subpoena to produce documents shall produce them as they are kept
4 in the usual course of business or shall organize and label them to
correspond with the categories in the demand.

5 If a subpoena does not specify the form or forms for producing
6 electronically stored information, a person responding to a subpoena must
produce the information in a form or forms in which the person ordinarily
maintains it, or in a form or forms that are reasonably usable.

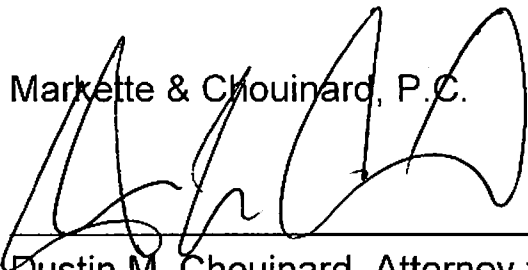
7 A person responding to a subpoena need not produce the same
electronically stored information in more than one form.

8 A person responding to a subpoena need not provide discovery of
9 electronically stored information from sources that the person identifies as
10 not reasonably accessible because of undue burden or cost. On motion to
11 compel discovery or to quash, the person from whom discovery is sought
12 must show that the information sought is not reasonably accessible
because of undue burden or cost. If that showing is made, the court may
nonetheless order discovery from such sources if the requesting party
shows good cause, considering the limitations of Rule 26(b)(2)(C). The
court may specify conditions for the discovery.

13 (2) When information subject to a subpoena is withheld on a claim that
14 it is privileged or subject to protection as trial preparation materials, the
15 claim shall be made expressly and shall be supported by a description of
the nature of the documents, communications, or things not produced that
is sufficient to enable the demanding party to contest the claim.

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17 DATED this 7th day of November, 2008.

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19 Markette & Chouinard, P.C.

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22 Dustin M. Chouinard, Attorney for Plaintiffs
23 As Officer of the Court
(Pursuant to M.R.Civ. P. Rule 45(a)(3))
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